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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,106	02/15/2006	Angus Reardon	REAR0101PUSA	2673
22045 7590 08/19/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER BAYOU, AMENE SETEGNE				
ART UNIT		PAPER NUMBER		
3746				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,106

Applicant(s)

REARDON, ANGUS

Examiner

AMENE S. BAYOU

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 06/20/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 9 and its dependent claim 10 are objected to under 37 CFR 1.75(c) as being in improper form because claim 9 recites that it is dependent on itself. For the purpose of examination we assume that the claim 9 is dependent on claim 1. See MPEP § 608.01(n). Correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13,15-23 are rejected under 35 U.S.C 103(a) as being unpatentable over Ridgeway (US patent number 4050396) in view of Oja (US patent number 4699597).

4. In re claim 1 Ridgeway '396 disclose a portable water bailing device for a boat including:

- An apparatus ,in figure 1-3, for removing liquid from a body of liquid ,apparatus comprising a hollow body (10) which in use retains a pump inlet (26),within an interior of the hollow body (10) ,the hollow body having one or more openings (22) for ingress of liquid.

But Ridgeway '396 fails to disclose:

- Hollow body having a substantially spheroidal or ovoidal shape

However,Oja'597 teaches a bailing device for boat including:

- Hollow body (14) having a substantially spheroidal or ovoidal shape, in figure 2 and column 2, lines 56-64.

5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bailing apparatus of Ridgeway '396 by making the shape of the hollow body oval or spherical as taught by Oja'597 in order to reduce drag and thus facilitate mooring.

6. In re claim 2 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention:

Oja'597 discloses:

- Openings (34) are located at a circumferential portion of mid section of the hollow body (32), in figure 2.

7. In re claim 3 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention:

Oja'597 discloses:

- The hollow body (32) has an elliptical shape, in column 2, lines 56-64

8. In re claim 4 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention:

Oja'597 discloses:

- The hollow body (32) is non floatable (submerged under water level 20) , in figure 1.

9. In re claim 5 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention:

Ridgeway '396 discloses:

- One or more openings in the hollow body comprise a plurality of spaced openings (22), in figure 3.

Oja'597 discloses:

- One or more openings (34,40) in the hollow body (32) ,which are arranged in a row about the mid section or mid part of the hollow body which has the greatest diameter, in figure 2 .

10. In re claim 6 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention except mentioning that there is a single elongate opening in the hollow body about its central diameter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the modified bailing apparatus of Ridgeway '396 and Oja'597 by selecting only a single openings instead of plural apertures (as disclosed by Ridgeway '396) as a matter of design choice based on the volume flow rate of the fluid to be removed and also the capacity of the pump/motor.

11. In re claim 7 Ridgeway '396 in view of Oja'597 as applied to claim 6 disclose the claimed invention except mentioning that the opening in the hollow body is adjustable in width. It would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the width of the opening as a matter of design choice based on the required volume flow rate of the fluid to be removed and also the capacity of the pump/motor.

12. In re claim 8 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention:

Oja'597 discloses:

- The hollow body (32) is comprised of two or more components which are releasably attached to each other, in figure 3, 4 and column 2, lines 56-62.

13. In re claim 9 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention:

Oja'597 discloses:

- The hollow body (32) is comprised of two half (32a, 32b) or semi components which are attached to each other about the mid section or area of greatest diameter, in figure 3 and column 2, lines 56-62.

14. In re claim 10 Ridgeway '396 in view of Oja'597 as applied to claim 9 disclose the claimed invention:

Oja'597 discloses:

- One component is hingedly attached to the other component at adjacent respective ends of each component, in figures 3, 4 and column 3, lines 18-21

15. In re claim 11 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention:

Oja'597 discloses:

- The hollow body (32) has a retaining means (44) which in use retains the pump inlet (34) within the hollow body (32), in figure 2, 4.

16. In re claim 12 Ridgeway '396 in view of Oja'597 as applied to claim 11 disclose the claimed invention:

Oja'597 discloses:

- The retaining means is a plurality of upright rods (44) attached to an internal surface of the hollow body (32) ,in figure 1 and 2

17. In re claim 13 Ridgeway '396 in view of Oja'597 as applied to claim 11 disclose the claimed invention except mentioning that the retaining means is a plurality of peripheral ribs located on an internal surface of the hollow body surrounding the pump inlet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to install a plurality of ribs inside the hollow body because such modifications is commonly done in the art to strengthen pressure vessels or other shell structures.

18. In re claim 15 Ridgeway '396 in view of Oja'597 as applied to claim 11 disclose the claimed invention:

Oja'597 discloses:

- The apparatus includes the pump inlet (34) ,in figure 2.

19. In re claim 16 Ridgeway '396 in view of Oja'597 as applied to claim 15 disclose the claimed invention except mentioning that the pump inlet includes a non return valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to install a non return check valve to prevent back flow because such modification is very known in the art.

20. In re claim 17 Ridgeway '396 in view of Oja'597 as applied to claim15 disclose the claimed invention except mentioning that the pump is located external of the body of liquid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to install the pump outside of the enclosure, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

21. In re claim 18 Ridgeway '396 in view of Oja'597 as applied to claim15 disclose the claimed invention except mentioning that the pump inlet is connected to the pump by a hose. It would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the pump inlet to the pump by a hose since such method of connecting a pump inlet is very known in the art.

22. In re claim 19 Ridgeway '396 in view of Oja'597 as applied to claim18 disclose the claimed invention except mentioning that the hose is pivotally attached to the hollow body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to pivotally attach the hose to the hollow body in order to allow the free movement of the hollow body since such modification is well known in the art.

23. In re claim 20 Ridgeway '396 in view of Oja'597 as applied to claim17 disclose the claimed invention:

Ridgeway '396 discloses:

- The pump (enclosed in 10) is located on boat (equivalent to pontoon or raft structure), in figure 2.

24. In re claim 21 Ridgeway '396 in view of Oja'597 as applied to claim 18 disclose the claimed invention:

Ridgeway '396 discloses:

- The hollow body (10) is provided with one (42) or a plurality of hose apertures, in figure 1.

25. In re claim 22 Ridgeway '396 in view of Oja'597 as applied to claim 1 disclose the claimed invention except mentioning that the pump inlet contains a strainer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to pivotally attach a strainer to pump inlet in order to prevent debris since such modification is well known in the art.

26. In re claim 23 Ridgeway '396 in view of Oja'597 disclose the claimed invention:

Ridgeway '396 discloses:

- An apparatus ,in figures 3,for removing liquid from a body of water ,apparatus comprising a hollow body (10) which in use retains a pump inlet (26) within the hollow body, the hollow body having one or more openings (22) for ingress of liquid .

Oja'597 discloses:

- The hollow body (32) is comprised of two components (32a,32b) which are releasably attached to each other, in figure 3 and 4 and column 2, lines 56-62.

27. Claim 14 is rejected under 35 U.S.C 103(a) as being unpatentable over Ridgeway '396 in view of Oja '597 as applied to claim 1, further in view of Guilmette (US patent number 6435849).

28. In re claim 14 Ridgeway '396 in view of Oja'597 as applied to claim1 disclose the claimed invention except:

- The hollow body is provided with an attachment means for attaching a tether.

But Guilmette'849 disclose a fluid pump including:

- The hollow body is provide with an attachment means (72) for attaching a tether, in figure 9 and column 5,lines 34-37.

29. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the modified pump of Ridgeway '396 and Oja'597 By installing an attachment means as taught by Guilmette'849 in order to stabilize the hollow body.

Conclusion

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amene S. Bayou whose telephone number is 571-270-3214. The examiner can normally be reached on Monday-Thursday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on 571-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devon C Kramer/
Supervisory Patent Examiner, Art
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